

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPS No. 1688 of 2021

Rajaram Patel S/o Krishna Chand Patel Aged About 62 Years Retired Amin (Patwari), Water Resources Department, R/o Vinoba Nagar, Modi Colony, M-Block, Ward No. 24, Raigarh, District- Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh

---- Petitioner

Versus

1. State Of Chhattisgarh Through The Secretary Department Of Water Resources Mahanadi Mantralaya, Atal Nagar, Naya Raipur, Post Office And Police Station- Naya Raipur, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
2. Engineer-In-Chief Water Resources Department, Shivnath Bhawan, Atal Nagar, Naya Raipur, Post Office And Police Station- Naya Raipur, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh
3. Joint Director Treasury, Accounts And Pension, Bilaspur Division, District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh
4. Chief Engineer Hasdeo Kachhar, Water Resources Department, Bilaspur, District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh
5. Superintending Engineer Water Resources Department, Circle Raigarh, District- Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh
6. Executive Engineer Water Resources Division, Raigarh, District- Raigarh, Chhattisgarh., District : Raigarh, Chhattisgarh

---- Respondents

For Petitioner	:	Mr. Dhani Ram Patel, Advocate
For State	:	Mr. Sudeep Verma, Deputy G.A.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

09/04/2021

1. The claim of the petitioner in the present writ petition is for a direction to the respondents to consider the claim of the petitioner for grant of gratuity and pensionary benefits.
2. The petitioner in the present writ petition was working as daily wage employee under the respondents since 1980 and subsequently was

regularized on 11.05.1994 and finally stood retired from the post of Amin w.e.f. 31.03.2020. The petitioner now after a period of more than one year has filed the writ petition demanding payment of gratuity. Counsel for the petitioner refers to the judgment of the Supreme Court in the case of **Netram Sahu Vs. State of Chhattisgarh and another reported in (2018) 5 SCC 430** which originated from this Court vide Civil Appeal No.1254 of 2018 decided on 23rd of March, 2018.

3. Perusal of the record would show that the said order also was one which travelled to the High Court and the Supreme Court from the order of the Controlling Authority under the Payment of Gratuity Act, 1972.
4. Given the fact, reserving the right of the petitioner to approach the Controlling Authority under the Payment of Gratuity Act, the present writ petition stands disposed of. If the petitioner approaches the Controlling Authority, it is expected that the Controlling Authority while deciding the claim of the petitioner shall also take note of the judgment of the Supreme Court in the case of “**Netram Sahu**” (supra).

Sd/-
(P. Sam Koshy)
Judge

Ved